App. F. IX-4.

Reserve

1925.

File No. 140-25

Previous references.

LB 36-1918/13,426

(LB)

Serial Nos. 2, 7, 8210

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos.

Part B for Sept 26

SUBJECT

Maintenance of the Railway feeder road from Mankuppam to Ramasamudram

---

10 To, The President, District Board, Kolar, through the Deputy Commr- Kolar NoL 1819/ d 8-9-26.

States that the Dist. Bd agreed to the maintenance of this road from the District funds in exchange for the maintenance of this portion of the ~~road~~ Mulbagal-Railway feeder road from provincial funds.

5-10-26.

WD 01264—GPB—40,000—17-12-25

General and Revenue Secretariat

LB File No. 140 of 1925.

Serial No

2 No OC 408/25-26 & 3.4.26 from the Pres. Dt. Bd. Kollam Reports that the Bd have been spending Rs 700 annually on the maintenance of the portion of the road from Marikuppam to Kanasandra a distance of 7 miles within the Bd area and requests that the K.G.T. San. Bd. may be directed to look to this work as it enjoys Local Cess Rev. entirely meant for the maintenance of roads.

Subd. 1 The financial condition of the San. Bd. is as follows for 1925-26.

Total receipts 9,120-5-

Total Expenditure 10,099-6

Balance 9-495 (minus Balance)

Income to the San. Bd. from Local cess comes up to Rs 12500.

2 Rule 3 of the rules issued under G.O. No 5301-2 LF 17-99 & 3.11.1899 makes over 76% of the local cess collected in the San. Circle to the Bd. less the amount set apart for Education.

3 The Pres. Dist. Bd. Kollam states that so long as this cess is credited to the San. Bd. it is obligatory on the Bd. to look to the upkeep of the roads within the area.

4 While agreeing in a way with this view, the Pres. San. Bd. K.G.T. invites attention to the poor financial state of the Bd. and states that but for this the Bd. would have taken up the maintenance of the road.

5 Now that the San. Bd. gets an income of Rs 12500

NOTE—Contn. Sheet

Serial No

from Local Cess a portion of which should in the ordinary course be allotted for the maintenance of roads, it is for orders whether the Bd need be exempted from contributing towards a legitimate demand.

2) The Pres.t of the San.y Bd takes exception to the words "take Shelter" ~~etc~~ used in para 3 of the Dist.t Bd Pres.t's letter, which he considers discourteous.

3) The points for orders therefore are:—

1) Whether ~~or not~~ the San.y Bd. Kg.y should be exempted from liability to maintain the road in question or not.

2) What action if any should be taken, on the language taken exception to by the Pres.t San.y Bd. who is also the DC of the Dist.t?

Encl

20/4/26.

CEB
20.4.26.

L & LA Secy)

2nd Nov.

8A
3.5

93588
4.5.

8) I shall be glad if L & LA Secy will please note whose function legally is to maintain this road. 9) I don't know Pres.t means to stand by the use of the word "take Shelter"

DL
7/5/26

8A
7.5

NOTE—Contn. Sheet

Serial No.

10 The President of the Kolar District Board states that the road in question is within the limits of the Kolar Gold Fields Sanitary Board area and this statement is not disputed either by the Deputy Commissioner or the Kolar Gold Fields Sanitary Board. In the rules issued in exercise of the powers conferred under the Local Boards Regulation of 1902 it was stated that the Kolar District shall, for the purposes of the Local Boards Regulation and the rules, be deemed to exclude the area comprised within the Kolar Gold Fields Sanitary circle. In the Mysore District Boards Bill it has been also provided that such portions of the District as are under the authority of a Sanitary Board constituted under the Mysore Mines Regulation shall be excluded from the jurisdiction of the District Board. The road in question ~~is not~~ being outside the area under the control of the District Board, the District Board is not bound to maintain it.

11. An examination of the administration reports of the Kolar District Board for the previous years shows that the provision for the maintenance of this road was made for the first time in the year 1920-21. The circumstances under which the Board agreed to make the provision for the repairs of the road outside ~~the~~ its jurisdiction are not clear from the correspondence received. It is not also clear what the cost of construction of the road was and from what funds it was met. If necessary, information on this point may be called for before final orders are passed in the matter.

9674/13/25

A

NOTE—Contn. Sheet

2nd Nov.

13-8

Serial No.

12 A.Jr.- D.C. may also be asked under what law or orders DB could be called on to pay for a road outside its limits if it declines to do so & did that take place. Does copying a legal opinion by the Govt. Counsel seem intended? 14/5 14/5/26

8A 14.5.

13 Memorandum 9859/18/25 WD 15/5

14 Draft Sub Cal 15/5 WD 15/5

15 Draft approved by Member 8A 17.5. WD 17/5

16 Draft approved by Member C.J. 20/5 8A 20/5

17 Dismissed WD 20/5

7 DC Kolar No L/312 dt 4/6/26. Calls for information as to when the road was constructed & at what cost &c.

Bus Cal 8/6

8 A3C 196 dt 17/8/26 from D.C. Kolar Reports that the date of Construction & the Cost of the Road is not known, that the road in question was a provincial one & was transferred to Dist Bd under Govt. No R 9262-4/A-336-C-68 dt 14-2-20 &

NOTE—Contn. Sheet

WD 01264—GPB—40,000—17-12-25

General and Revenue Secretariat

LB File No. 140 of 1925

Serial No

E

F

A Dist Bd may not be called upon generally to maintain a road beyond its jurisdiction. Hence this Case the maintenance of the Road between Kamasamudram & Marikuppam (9 miles distance which was formerly a P.W. was transferred to the Kolar Distt Bd in exchange for the maintenance of the Mulbagal Rd feeder Rd taken over by Govt, the transaction resulting in a profit to the Distt Bd of Rs 800/- Vide Go No R 9262-4.9/14-2-20 - this was done after ascertaining the wishes of the Sanr Bd also - It is by an express agreement therefore that the work of maintaining the Marikuppam Kamasamudram Rd has devolved on the Kolar Distt Bd - It is for Consideration whether the Distt Bd can be now allowed to go back on its agreement to maintain the Marikuppam Kamasamudram Rd referred to -

Under the circumstances the maintenance of the Road is a legitimate charge on the Distt Bd & the question of transferring its maintenance to the District Bd or the State Funds does not appear to arise.

Ord - para 12.

17/8 1878

L.R.Rees
1st Nov.

2185 11/8

25 15/8

8 12.8

The attention of the D.B. may be drawn to the G.O. & the Board informed that they have agreed to maintain the road

10 20/10

8/11

Draft Letter 24.8

NOTE:— Contn. Sheet

WD 01264—GPB—40,000 -17-12-25
[App. F. III—2

General and Revenue Secretariat

LB File No. 140 of 1925.

Serial No

Subs with draft
Sd
25/8 K.

Mean portion a City Draft as revised.
28
26/8

Tidy draft subs
Sd
27/8/26 K 5 8.

Draft submitted.

Sd
28/8

Approved
Sd
27

28/8

10 Memo Asst. D.B. Kollam No L 1879 & 8/9/26
States that the maintenance of the Road is a legitimate charge on the W.F.

B
Sd
26/9

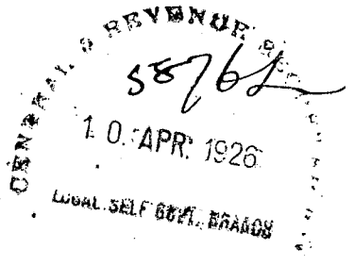
GENERAL & REVENUE SECRETARIAT
4 OCT 1926
LOCAL SELF GOVT. BRANCH

GD 140-85-2

No. O.C. 408 / 25-26
Encs. 1

OFFICE OF THE PRESIDENT, DISTRICT BOARD,
KOLAR DISTRICT
Dated, (Camp) Kolar, the 31st March 1st April 1926.

3-4.



From

C. B. GOPALA RAO ESQUIRE,
President. District Board, Kolar.

To

B. N a g a p p a, Esquire, Bar-at-law,
Secretary to the Government of Mysore,
Local and Legislative Departments, Bangalore.

Thro'
(. THE DEPUTY COMMISSIONER, KOLAR DISTRICT).

Sir,

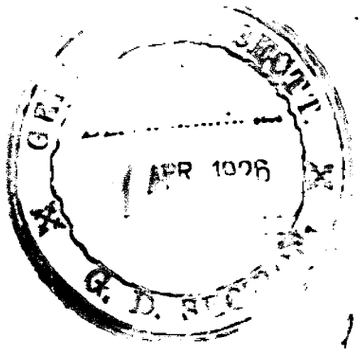
I have the honour to state that the Railway feeder road from Marikuppam to Kamasandra-- a distance of 7 miles--is within the limits of the Kolar Gold Field Sanitary Board and that the Kolar District Board have been spending Rs.700/- at Rs.100/- per mile on its annual maintenance.

2. The District Board has on an average to spend about Rs.56,000/- for annual maintenance of the roads and as there is very little margin for new works from the balance available under Local cess, the Sanitary Board was requested to take over the maintenance of this road as they were enjoying the local cess ~~realised~~ realised --in the area.

3. The President of the Sanitary Board takes shelter in the notification No.7075- L.B.185-12-3 dated 22nd March 1916 and G.O.No.5301-2 L.F.17-99-dated 3rd November 1899 and is of opinion that the maintenance of roads is not an obligatory function of the Sanitary Board.

4. The question was considered by the District Board in their meeting held on the 27th instant and they are of opinion that as Local cess is primarily intended for the maintenance of roads, the assignment of this revenue to the Sanitary Board naturally makes it an obligatory function. The Board's resolution (copy) is herein

4175:



4995.

absolutely no funds to take up this work & we are aware of the large outstanding sanctioned & in Course of completion and [illegible] additional [illegible] respects to meet the ordinary Current Expenditure of the Board. Everything in the Mains is on the downward trade — and but for this unusual disability the Board would probably have taken up the maintenance of the road length in question. The main portion of this road is in an unmetalled condition & State funds.

It may be added that the enclosed Memorandum of the M.L.A. S.B is devoid of any reference to the roof various areas of Tuticorin port & Hinterland and outside State amount of Local Cess assigned the Board the a large

Current annual staff is [illegible]
[illegible] of 87 Villages - [illegible]
[illegible] of 4 months [illegible]
In the circumstances this is no alternative
but to suspend all the Board can absolutely
not in a position to undertake [illegible] maintenance
Repairs.

9 worked in Vice attitude [illegible]

In this connection [illegible] 1/8/1926 to 13 [illegible]
S.B. [illegible] 7/4/26.

PROCEEDINGS OF THE KOLAR DISTRICT BOARD MEETING

HELD ON THE 27th March 1926.

XX XX XX

No. 24

Read letter No.C.122/25926 dated the 15th March 1926, from the President, Sanitary Board, K.G.F. intimating the impossibility ~~for~~ of maintaining the Kamasandra road, owing to want of finances of the Board.

Resolution:

The Government may be addressed in the matter of making over the roads to the Sanitary Board.

XX XX XX

"EXTRACT"

C. Gopulakrishna

PRESIDENT,
District Board, Kolar.

App.F.VI-G1.] 10 B650

SUBJECT

Confl.

Section LB

File No. 140-25

Serial No. 7

No. L 7312

To The D.C. Uda Walawe

Diary No. of letter replied to

General and Revenue Secretariat

( )

, the 192

Date of issue 4/6/26

Signed by Mr. T.K.S

Sir,

With reference to your memo No LB 919 25-26 of 7.4.26 in regard to the maintenance of the Rs feeder Road from Marikuppam to Kamasamudram, I am directed to enquire when the road was constructed and at what cost & from what source the expenditure was met.

Information may also be furnished as to the very early circumstances under which the Govt. has been making provision for the maintenance

over

List of enclosures

Copied by

Examined by

of this road which is outside
its jurisdiction and as to the law
or authority under which it [illegible]
B[illegible] can be called upon to maintain
it. When it has declined to do so.

I am also to add that in
Words "the Sheltie" used by Mr Fred[illegible]
Mr[illegible] in his letter No[illegible] 40 Dr.-Ch of 3.4.26 [illegible]
on this subject he [illegible] to indicate
be staying a legal expression ~~[illegible]~~ inappropriately ~~[illegible]~~
by the use of which the discretion
was intended.

[illegible]

12

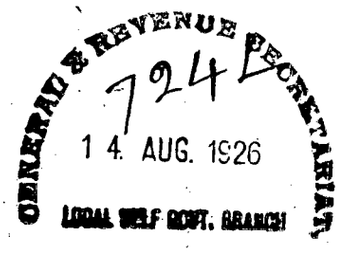
CONFIDENTIAL.

Office of the Deputy Commissioner, Kolar District.
Dated. Kolar, the 12th August 1926.

A 3 C 196
26 27

From

S. Hiriannaiya, Esq., M.A., B.L.,
Deputy Commissioner,
Kolar District.



To

B. Nagappa, Esq., Bar-At-Law.,
Secretary to the Government of Mysore,
Local and Legislative Departments,
Bangalore.

LB 140-25-8

Sir,

With reference to your letter No.L. 7312/L.B.140/25-7 dated the 4th June 1926 calling for certain information in regard to the - maintenance of the railway feeder road from Marikuppam to Kamasamudram, I have the honour to state that on enquiry the President, District Board communicates in his letter No.O.C.678/25-26 dated 24-6-1926 that the road in question was a provincial one and was transferred to the District Board in Government Order No.R.9262-4-L.B. 36-19-6 dated 14-2-1920. The date of construction and the cost thereof is not known.

2. As regards the law or authority under which the District Board can be called upon to maintain this road which is outside its - - jurisdiction when the Board has declined to do so, I cannot point out any except the Government Order referred to above. If the Government are of opinion that the maintenance of the road is not a - legitimate charge on the finances of the District Board then the maintenance may be transferred to the State Funds as the remaining length of this road is already being maintained as a provincial - road. As already represented the Sanitary Board are not in a position to take on this additional charge. They are retrenching in every direction in order to reach financial Equilibrium.

I have the honour to be,

Sir,

Your most obedient servant,

Deputy Commissioner,
Kolar District.

A.R.
12/8.

L 83 140-25-10 13

To

The President,
District Board, Kolar, THROUGH
The Deputy Commr. Kolar District.

20 L 1898 8/9/26

S i r,

With reference to your letter No.O.C. 408 dated 3rd April 1926, forwarding a resolution of the District Board recommending that for reasons stated the Sanitary Board, Kolar Gold Fields may be asked to maintain the Railway feeder road of 7 miles distance from Marikuppam to Kamasamudra, I am directed to request you to invite the attention of the Board to G.O.No.R.9262-4/ L.B.36-19-6 dated the 14th February 1920, from which it will be seen that though the portion of the road in question is situated within the limits of the Sanitary Board -- area, it formed part of the provincial road, and that the District Board agreed to the maintenance of this portion of the road -- from the District Funds in exchange for the maintenance from provincial funds of the Mulbagal Railway feeder road of 12½ miles distance, which was being maintained from District Funds, and which has resulted in a saving of Rs.800/- a year to the District Board ever since.

I have etc.,

Secy to Govt.
L.&.L.Deptts.